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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,039	03/24/2004	Gary A. Pulyk	LAMA122634	5777
26389	7590	11/07/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			DUVERNE, JEAN F	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2839	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/809,039

Applicant(s)

PULYK, GARY A.

Examiner

Jean F. Duverne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheurich (US005721934A ) or Medendorp (US005157273A ).

Sheurich's device discloses an electric power bar at 300 comprising:  
a body; an electrical cord at 498 adapted to plug the body into an electrical outlet of a building; the body having at least one female receptacle at 496 which receives or distribute power via the electrical cord the female receptacle being adapted to receive a plug from one of a computer or ancillary equipment whereby power is supplied to the computer or the ancillary equipment; the body having a communications module at 348, 342, 346, 352' and 340', whereby the communications module serves as a conduit for sending and receiving messages; and the body having at least one of an Ethernet receptacle, an universal serial bus receptacle, or a telephone jack receptacle in communication in the communications module, whereby a computer is connected to the communications module; wherein the communications module has a phone line in receptacle at and a phone line out receptacle; wherein the body has an Ethernet receptacle, an universal serial bus receptacle, and a telephone jack receptacle all in

communications module, whereby a computer is connected to the communications module; wherein the communications module has a phone line in receptacle at 53, 54 and a phone line out receptacle; wherein the body has an Ethernet receptacle, an universal serial bus receptacle, and a telephone jack receptacle all in communication with the communications module, whereby a computer can be connected in one of several different ways to the communications module; wherein the communications module comprises a replaceable modem at the phone line with LAN network connection (see fig. 9). However, Medendorp's device fails to explicitly disclose the power bar being made integrally with the modem. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power strip with a built-ins modem instead of being separate, since it has been held that forming in one piece an article which has been formed in two pieces and put together involves only routine skill in the art. However V. Detroit Stove Works, 105 U. S. 164 (1893). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power strip with a built-ins modem instead of being separate in order to improve the internet connection in Medendorp's device.

### **Response to Amendment**

1. Applicant's arguments filed with the amendment on 8/15/2005 have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art: For example the power strip with the

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communication with the communications module such as modem connection, whereby a computer can be connected in one of several different ways to the communications module; wherein the communications module comprises a replaceable modem at the phone line with LAN network connection. However, Sheurich's device fails to explicitly disclose the power bar being made integrally with the modem. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power strip with a built-ins modem instead of being separate, since it has been held that forming in one piece an article which has been formed in two pieces and put together involves only routine skill in the art. However V. Detroit Stove Works, 105 U. S. 164 (1893). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power strip with a built-ins modem instead of being separate in order to improve the internet connection in Sheurich's device.

Medendorp's device discloses an electric power bar (see figs. 1-5 or abstract), comprising:

a body; an electrical cord at 44 adapted to plug the body into an electrical outlet of a building; the body having at least one female receptacle at 50 which receives or distribute power via the electrical cord the female receptacle being adapted to receive a plug from one of a computer or ancillary equipment whereby power is supplied to the computer or the ancillary equipment; the body having a communications module at 53, 54, whereby the communications module serves as a conduit for sending and receiving messages; and the body having at least one of an Ethernet receptacle, an universal serial bus receptacle, or a telephone jack receptacle in communication in the

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power and network communication is shown in both Medendorp's and Sheurich's devices. Having an outer or inner built modem is an obvious variation as shown above.

**THIS ACTION IS MADE FINAL.** See MPEP, 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

10/24/2005



Jean Frantz Duverne  
Primary Examiner  
Art Unit 2839